

September 9, 1996

OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON  
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Seattle, Washington 98104  
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REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL

SUBJECT: Department of Development and Environmental Services File No. **L95P0021**  
Proposed Ordinance No. **96-659**

Proposed Plat of  
**PARKWAY MANOR**

Location: On the westerly margin of State Route 161 (AKA Enchanted Parkway) between approximately South 375th Street and South 377th Street

Owner: Puget Western, Inc.  
19515 North Creek Parkway, #310  
Bothell, WA 98011

Developer: Don Moody  
Western Pacific Properties  
16443 Southeast 35th Street  
Bellevue, WA 98008

Engineer: American Engineering Corporation  
Cheryl Girard/Einar Gundersen  
4032 - 148th Avenue Northeast  
Redmond, WA 98052

PRELIMINARY MATTERS:

Application submitted: October 12, 1995  
Department Preliminary Report issued: August 20, 1996

EXAMINER PROCEEDINGS:

Hearing Opened: 9:15 a.m., September 3, 1996  
Hearing Closed: 10:35 a.m., September 3, 1996

SUMMARY OF RECOMMENDATIONS:

Division's Preliminary: Approve, subject to conditions  
Division's Final: Approve, subject to conditions (modified)  
Examiner: Approve, subject to conditions (modified)

Participants at the proceedings and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Office of the King County Hearing Examiner.

ISSUES ADDRESSED:

- Drainage;
- School enrollment capacity;
- Open space;
- Density.

FINDINGS, CONCLUSIONS AND RECOMMENDATION:FINDINGS:

1. General:
 

Owner:	Puget Western, Inc. 19515 North Creek Parkway, #310 Bothell, WA 98011 Phone: (206) 487-6567
Developer:	Don Moody Western Pacific Properties, Inc. 16443 Southeast 35th Street Bellevue, WA 98008 Phone: (206) 865-8446
Engineer:	American Engineering Corporation Cheryl Girard/Einar Gundersen 4032 - 148th Avenue Northeast Redmond, WA 98052 Phone: (206) 881-7430
STR:	33-21-4
Location:	On the westerly margin of State Route 161 (AKA Enchanted Parkway) between approximately South 375th Street and South 377th Street
Zoning:	-4
Acreage:	2.09
Number of Lots:	12
Density:	5.74 dwelling units per acre
Lot Sizes:	Ranges from 4,450 to 5,300 square feet
Proposed Use:	Detached single-family residences
Sewer Disposal:	Federal Way Water & Sewer District (AKA Lakehaven Utility District)
Water Supply:	Federal Way Water & Sewer District (AKA Lakehaven Utility District)
Fire District:	Federal Way Fire District #39
School District:	Fife School District
Complete Application Date:	October 12, 1995
2. Western Pacific Properties, Inc. (the "Applicant") proposes to subdivide a 2.09 acre parcel into 12 single family residential building lots, with lot sizes ranging from approximately 4,450 to 5,300 square feet. The density of the proposed development, 5.74 dwelling units per acre, depends upon the Applicant providing "moderate income housing units." See KCC 21A.34.040.F.1.d. If, for any reason, the Applicant does not provide moderate income housing units as defined by the Code, then the proposed development must be reduced from 12 lots to 8 lots. The Applicant's preliminary plat drawing is attached to the September 3, 1996 Preliminary Report to the Hearing Examiner published by the Department of Development and Environmental Services ("DDES" or the "Department"). In addition, the Applicant's preliminary plat drawing is contained in the hearing record as Exhibit No. 7.
3. An Environmental Impact Statement is not required. The Department issued a threshold Determination of Non-Significance (DNS) on July 16, 1996. That is, the Department issued its determination that the proposed development would not cause probable significant adverse impacts on the environment. No agency or person appealed that determination.
4. The Department recommends granting preliminary approval to the proposed development, subject to 22 conditions of final plat approval which are stated on pages 9 through 12 of the Department's September 3, 1996 Preliminary Report to the Hearing Examiner, EXCEPT for the following changes:
  - A. **Alternative Density; Recommended Condition No. 3:**  
  
The Department's recommendation assumes that the Applicant will be able to obtain King County Housing and Community Development Program eligibility for at least 5 lots. As indicated in finding No. 1, above, the Applicant proposes to qualify for the moderate income program in order to obtain 4 extra lots (12 lots total). In its final recommendation, the Department agrees to amend recommended condition No. 3 such that the Applicant may be permitted to abandon the moderate income program, thereby reducing the number of lots to only 8.
  - B. **Pedestrian Access to Enchanted Parkway; Recommended Condition Nos. 16 and**

21:

Until alternative vehicular access is available, the proposed plat will obtain access directly onto Enchanted Parkway. When alternative access is eventually obtained, the Applicant is expected to provide for a ten-foot-wide pedestrian walkway tract to survive the removal of the temporary access street. In its preliminary recommendation, the Department indicated that the remaining ten-foot-wide tract should be owned by a homeowners association. In its final recommendation, the Department agrees that the ten-foot-wide tract may be dedicated to King County.

5. The Applicant accepts the Department's recommendation as described in finding No. 4, above.
6. A neighboring property owner expresses concerns regarding the loss of open space (and, more particularly, open space vegetation); surface water drainage impacts upon Hylebos Creek and its habitat functions; adequacy of school capacity; and, the possible loss of moderate income housing as discussed in finding Nos. 1 and 4.A, above:

A. KCC 21A.16.050 and recommended condition No. 22 require the planting of street trees and provides for a performance bond, and inspection in order to assure successful planting. The Applicant will be required to pay approximately \$70,000 for King County parks improvement in the Federal Way vicinity as a "fee in lieu of open space." See Department file exhibit E-1. The Applicant's environmental check-list indicates that the site is covered with grass, shrubs, fir, cedar, pine, alder, maple, aspen, and other deciduous and evergreen trees. It also indicates that, "most vegetation trees and brush will be removed and replaced with residential lots." Normal residential landscape will be provided, together with the retention of "some native conifers." There are no known threatened or endangered species living on or near the project site. Exhibit No. 4.

B. Final plat approval will require full compliance with the drainage provisions contained in KCC 9.04 and with the storm drainage requirements and guidelines established by the Surface Water Management Division. All building downspouts, footing drains and drains from all impervious surfaces will be connected to the permanent storm drain outlet. In accordance with the King County Surface Water Management Design Manual, drainage will be detained by a large R/D facility which will allow for some sedimentation to settle. In addition, a biofiltration swale will be required to further treat the quality of water discharged from the site. Also, at each collection point, oil/water separators must be installed.

Because the subject property is within the Hylebos Basin planning area, an extra 30% of Retention/Detention volume is required in order to accommodate an extremely low discharge rate (in order to minimize downstream erosional and sedimentation impacts). Finally, the Applicant will be required to prepare a Temporary Erosion and Sedimentation Control Plan (TESCP) which, when approved by the Department, will regulate surface water drainage impacts during construction.

C. The full amount of school enrollment impact fee can not now be calculated. However, if final plat approval were granted today, this plat would be required to pay \$2432.00 per lot to Fife School District No. 417. When the actual amount is determined at final plat approval, 50% must be paid then, with the remaining 50% pro-rated among the approved lots at the time each lot's building permit is issued. According to both Applicant and Department testimony, an Ordinance is presently pending before the King County Council which will authorize the County to collect and disperse these enrollment impact payments on behalf of the school district.

7. Except as noted above, the facts and analysis contained in the Land Use Services Division Preliminary Report dated September 3, 1996 are correct and are incorporated here by reference. A copy of the Land Use Services Division report will be attached to those copies of the Examiner's report which are submitted to the King County Council.
8. Any portion of any of the following conclusions which may be construed as a finding is incorporated here by reference.

CONCLUSIONS:

1. The neighboring property owner's concerns regarding potential impacts upon the Hylebos Creek corridor are valid. For this reason, recommended condition No. 8 should be adopted, implemented, and enforced.

2. If approved subject to the conditions recommended below, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan, Federal Way Community Plan, Subdivision and Zoning Codes, and other official land use controls and policies of King County.
3. If approved subject to the conditions recommended below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for open spaces, for drainage ways, streets, other public ways, transit stops, potable water supply, sanitary wastes, parks and recreations, playgrounds, schools and school grounds, and safe walking conditions for students who only walk to school; and it will serve the public use and interest.
4. The conditions for final plat approval recommended below are in the public interest and are reasonable requirements to mitigate the impacts of this development upon the environment.
5. The dedications of land or easements within and adjacent to the proposed plat, as recommended by the conditions for final plat approval or as shown on the proposed preliminary plat submitted by the applicant, are reasonably necessary as a direct result of the development of this proposed plat.

RECOMMENDATION:

GRANT PRELIMINARY APPROVAL to the proposed plat of Parkway Manor, subject to the 22 conditions of final plat approval stated on pages 9 through 12 of the DDES Preliminary Report to the Hearing Examiner dated September 3, 1996 (Exhibit No. 2), EXCEPT for the following changes:

A. AMEND recommended condition No. 3 to read as follows:

The plat shall comply with the minimum density, base density and maximum density provisions of the R-4 zone classification.

Since four additional lots have been requested in the plat, over and above the number of lots permitted by the base density (8 lots), the proposed subdivision shall comply with the requirements of KCC 21A.34.040.F.1.d. In this regard, the lots which will contain a residence for a moderate income home buyer (minimum of five lots) shall be specified on the final plat, as well as any reporting requirements established by the King County Housing and Community Development Program (KCHCDP) concerning buyer eligibility and housing price. (These requirements apply only to the first buyer of the residence on the specified lot, and do not apply to subsequent buyers.) The Applicant shall also enter into any necessary agreements with King County to implement KCC 21A.34.040.F.1.d, as determined by KCHCDP.

In the alternative, the Applicant may choose to redesign the preliminary plat in an 8 lot configuration without the KCC 21A.34.040 bonus.

B. AMEND recommended condition No. 16 to read as follows:

On the boundary between Lot 1 and Tract A, a ten-foot-wide tract shall be shown on the final plat, which will serve as the future location of the pedestrian walkway noted in Condition 15 above. (~~(This ten foot wide tract shall be owned by a homeowners association.)~~)

This ten-foot-wide tract shall be dedicated to King County unless the Applicant establishes a homeowner's association or other workable organization to the satisfaction of DDES which provides for ownership and continued maintenance.

C. DELETE recommended condition No. 21.

RECOMMENDED this 9th day of September, 1996.

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R. S. Titus, Deputy  
King County Hearing Examiner

TRANSMITTED this 9th day of September, 1996, to the following parties and interested persons:

John Felshaw  
Cheryl Girard/Einar Gundersen, American Engineering Corporation  
Gary Holmwig, Holmwig, Wasell & Associates  
Don Moody, Western Pacific Properties  
Puget Western, Inc.

John L. Scott Land Department  
 Craig Comfort, DDES/LUSD, Engineering Review Section  
 Lanny Henoch, DDES/LUSD, Site Plan Review Section  
 Gary Kohler, DDES/LUSD, Site Plan Review Section  
 Aileen McMannus, DDES/BSU, Site Engineering & Planning  
 Paulette Norman, KCDOT, Road Services Division  
 Steve Townsend, DDES/LUSD, Land Use Inspection

NOTICE OF RIGHT TO APPEAL  
 AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) on or before September 23, 1996. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council on or before September 30, 1996. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council approving or adopting a recommendation of the Examiner shall be final and conclusive unless a proceeding for review pursuant to the Land Use Petition Act is commenced by filing a land use petition in the Superior Court for King County and serving all necessary parties within twenty-one (21) days of the date on which the Council passes an ordinance acting on this matter.

MINUTES OF THE SEPTEMBER 3, 1996 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L95P0021 - PARKWAY MANOR:

R. S. Titus was the Hearing Examiner for this matter. Participating in the hearing were John Felshaw, Cheryl Girard/American Engineering, Inc., Gary Kohler/DDES-LUSD-Site Plan Review, and Craig Comfort/DDES-LUSD-Engineering Review Section.

The following exhibits were offered and entered into the hearing record:

Exhibit No. 1	Department of Development and Environmental Services, Land Use Services Division file No. L95P0021 - Parkway Manor
Exhibit No. 2	Department of Development and Environmental Services, Land Use Services Division staff report prepared for the September 3, 1996, public hearing
Exhibit No. 3	Subdivision Application, dated received October 12, 1995
Exhibit No. 4	Environmental checklist, dated received October 12, 1995
Exhibit No. 5	Determination of Nonsignificance, dated July 16, 1996, and dated received July 18, 1996
Exhibit No. 6	Affidavit of Posting, indicating October 20, 1995, as date of posting, and October 30, 1995 as the date the affidavit was received by DDES
Exhibit No. 7	Site plan, Parkway Manor Subdivision, dated received April 30, 1996 (2 pages)
Exhibit No. 8	Land Use Maps - Kroll Maps 752E, and 752W (taped together)
Exhibit No. 9	Assessor Maps for the SE 33-21-4 and NE 33-21-4 (2 pages), dated received October 12, 1995
Exhibit No. 10	Letter, dated September 3, 1996, from Cheryl Girard/American Engineering Corporation, to King County Hearing Examiner, re: proposed changes to DDES staff recommendations
Exhibit No. 11	Letter, dated September 1, 1996, from John and Julianne Felshaw, to (DDES) Land Use Services Division, re: neighborhood concerns re: proposed subdivision of Parkway Manor

RST:var  
 l95p0021.rpt